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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eighteenth session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 4 May 1998, at 3 p.m.

Chairperson: Mr. GRISSA

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GE.98-15961 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS (agenda item 6) (continued)

Third periodic of Poland (E/1994/104/Add.13; HRI/CORE/1/Add.25; E/C.12/Q/POL/1) (continued)

1. At the invitation of the Chairperson, the delegation of Poland took places at the Committee table.

General provisions of the Covenant

2. The CHAIRPERSON invited the delegation of Poland to complete its responses to the supplementary questions asked regarding the general provisions of the Covenant.

3. Mr. JACUBOWSKI (Poland) said, in response to Mr. Adekuoye's question about alleged discrimination in the attribution of various benefits, that under Polish law there were differences between men and women in terms of benefits for employed persons. They did not, however, amount to discrimination. Apart from such special provisions as those relating to prenatal benefits and paid leave for nursing mothers, the benefits were applied equally.

4. Ms. BORUTA (Poland) said that, speaking in her capacity as an expert familiar with research into the topic of equality between men and women, she had to acknowledge that much remained to be done to improve the situation of working women in Poland. The provision in article 33 of the Constitution prohibiting discrimination on the basis of sex was too general and specific legislation and regulations were required to deal with the problem. She agreed with many of the ideas put forward by national NGOs regarding the position of women, to which Mr. Thapalia had referred at the previous meeting.

5. In her capacity as a government representative, however, she would note that, since the recent change of Government, a more progressive stance had been taken towards the problem of equal treatment for men and women, although the Minister for Family Affairs had opted for a more traditional approach. She hoped that a compromise would be found between the approach of the Ministry and some of the ideas put forward by the NGOs. Such a compromise should reflect the standards defined in the Social Charter of the European Union, which Poland had already ratified, as well as the requirements of the Covenant.

6. Particular reference had been made to major differences in pay between men and women. Again, the problem had been the topic of much research in Poland. An overall difference in remuneration existed in nearly all countries, linked to the structure of the labour market and the channelling of women workers into the so-called feminine sectors. With a view to altering that situation in Poland, the new Constitution had introduced the modern principle of equal pay for work of equal value, a principle that had been given international recognition as early as 1951 in ILO Convention 100. In addition to the introduction of that concept into the new Constitution, however, legislation would be required to specify the value of different types

of work, according to currently available methods. The process would of course take time, but she could assure the Committee that movement in that direction had already begun.

7. The CHAIRPERSON asked whether two teachers, a man and a woman, having the same seniority and teaching the same subject, would receive the same pay.

8. Ms. BORUTA said that they would. Direct discrimination was rare: the problem was that, overall, women's pay was much lower because what was regarded as women's work was less well paid.

9. The CHAIRMAN invited the Committee to proceed to issues relating to specific rights under the Covenant (arts. 6 to 15).

Article 6

10. Mr. ANTANOVICH said that the topic of article 6, the right to work, was dealt with in the report (E/1994/104/Add.13) chiefly in terms of unemployment. According to paragraph 15, unemployment in Poland was mainly structural in character. That observation was followed by the rather curious statement that unemployment was an obstacle to achieving full, productive and freely chosen employment. The paragraph went on to say that the long-term unemployed gave up looking for jobs in their specialized fields in favour of obtaining some sort of employment. That in itself described a dreadful situation.

11. Unemployment constituted a Pan-European economic problem that faced all the Governments of the continent, old and new, democratic and less democratic. It was degenerating, furthermore, into an acute social problem. Many Governments, particularly of countries undergoing structural reform and engaged in rapid transition, still seemed to consider it a passing difficulty that would soon disappear. In Poland, the situation had arisen suddenly, as noted in paragraph 4 of the report, which noted that before 1990 the country had faced the problem of a labour deficit, while after 1990 it had been confronted by a surplus. Restructuring, however, meant more than market-oriented reforms. The resulting mass lay-offs in privatized smokestack industries meant that highly skilled workers, thrust into unemployment, were forced to take on any job they could get. That tragic situation needed to be dealt with through a common approach by all European Governments.

12. Turning to the report, he asked whether the slight decline in the unemployment rate between 1993 and 1994 represented a continuing trend and what proportion of the current rate was accounted for by the 18 to 25-year-old age group. He would particularly like to know what special social support and help was provided for that group. Also, what was being done for those men between the ages of 55 and 65 who were being deprived by unemployment of the last 10 years of their working life? He found the figure for unemployed people in rural areas, given as 40.8 per cent of total unemployment at the end of 1994 (para. 27), particularly surprising. In his own country, it was hoped that many of the unemployed would be able to go back to the land. In Poland, apparently, there were no jobs in rural areas either. The four sectors of public employment, industrial employment, private employment and employment in rural areas, seemed to be developing separately with no correlation between them.

13. He would be particularly interested to hear the delegation's comments on the effectiveness of international assistance. His own country had received little international assistance in regard to employment policy. Poland had perhaps been luckier and he would like to know where that assistance had proved most useful. Had the assistance in the development of small enterprises, referred to in paragraph 38 of the report, helped to cut down the rate of unemployment and how small was "small" in that connection?

14. Mr. WIMER, taking the situation arising out of the closure of the Gdansk shipyard as an example, asked what measures were being taken to provide economic and social support for the thousands of workers laid off with no prospect of ever returning to their jobs.

15. Mr. ADEKUOYE said that Poland was undergoing an economic transformation, which was bound to affect national training and apprenticeship programmes. What steps had been taken to adapt such programmes to a market-oriented economy? He noted that paragraph 37 of the report referred to the number of people holding more than one full-time job. He wondered why, given the rate of unemployment, that number was so large. Had the trend declined with the improvement of the economy, or had it increased further? He understood from the additional material provided by the delegation that special programmes had been instituted for women in areas of high unemployment. He would like a detailed description of those programmes.

16. The CHAIRPERSON, speaking as a member of the Committee, noted that table 4 of the report gave a picture of total unemployment and a breakdown for particular categories of women. He would like to see a similar table for men and he would also like to know women's rate of participation in the labour force. In addition, he was particularly interested in the situation in the rural regions of Poland. The long winter there was bound to entail a long period of inactivity in agriculture. How was unemployment measured in rural areas? What effect had declining productivity, marked by a decrease in the number of cattle and continuing poor yields in cereals, potatoes and so forth, had on rural incomes?

17. Mr. JAKUBOWSKI (Poland), in response to the request for updated information on unemployment, said that at the end of 1997 the unemployment rate had been 10.7 per cent. According to the most recent data, for April 1998, the current rate was 10.6 per cent. By European standards, that rate was not too high, being comparable with that of Germany. It undoubtedly represented many instances of human tragedy, but the Government believed that the problem was manageable and that the best way to fight unemployment was to maintain sustained economic growth. In terms of population, the 10.6 per cent represented some 1.8 million persons, 62.8 per cent of whom were women.

18. Seen from the point of view of education, unemployment was not a problem among the highly educated, who were in fact less likely to be unemployed over a lengthy period. Graph 3.7 in the additional material provided to the Committee showed only a 1.3 per cent unemployment rate among university graduates. Among those with secondary and vocational education, the rate was 20 per cent. Those most likely to be without work were those with only basic

education, who in fact made up the bulk of the unemployed. It was those low-skilled workers, dependent on a particular heavy industry, who found it difficult to find alternative employment.

19. In the case of the closure of the Gdansk shipyard, the Government had engaged in an intensive programme to help the laid-off workers find other jobs. From the statistical point of view, he noted that at the time when some 1,500 persons were laid off from the shipyard, there were at least 1,000 vacancies on the local labour market. A special placement service had been put in place and many of the shipyard workers had been absorbed by the local labour market.

20. Mr. KOUZNETSOV, speaking on a point of order, said that the wealth of statistics provided by the delegation was impressive. The Committee's questions, however, were designed to reveal whether the Government was honouring its obligations under the Covenant. In the case of unemployment, it was important to know whether the decrease noted was a consequence of deliberate measures by the Government or the result of other processes for which it was not responsible. He would be grateful for more information on actual measures taken by the Government.

21. Mr. JAKUBOWSKI (Poland) said that the numbers reflected what the Government was doing to alleviate unemployment. It was difficult, however, to assess which had the greatest impact: the economic reform process, which produced new jobs, or the measures taken by the Government to improve the situation. His purpose in citing the statistics had been to address specific queries about levels of unemployment, about what was being done to alleviate structural unemployment and unemployment among young people, and about the extent to which the Government had been able to utilize foreign assistance.

22. The new Government was planning a courageous programme to restructure the mining industry, in which it was planned to lay off some 120,000 people over the next five years. At the same time, an extensive programme of retraining and pre-retirement benefits was being put in place. For a country with Poland's resources, that kind of expenditure indicated a strong willingness to take positive action in regard to unemployment.

23. Regarding foreign aid, he said that after the events of 1989 the Government had sought foreign assistance with a view to learning how to deal with labour in a market economy. The loan received from the World Bank had been spent on modernizing job information and placement centres, hiring expertise and acquiring computer equipment. The results achieved were not yet known, but the measures were an indication of the Government's concern and its determination to fulfil its responsibility regarding the right to work. Another international body approached for expertise had been the International Labour Organization. For instance, the Government had been able to adapt an ILO modular training programme for the unemployed to the conditions obtaining in Poland.

24. The Government had launched a youth employment promotion programme, which, by offering educational opportunities and financial incentives to young people, and paying compensation to prospective employers for the creation of on-the-job training programmes, had successfully decreased youth unemployment

by 20 per cent since 1995. Rural unemployment, which exceeded 18 per cent among young people, was indeed one of Poland's most pressing problems. The Ministry of Labour and the Ministry of Agriculture had established programmes in rural areas, which trained agricultural workers to take on alternate jobs in agriculture-related fields, and had launched a resettlement programme, the goal of which was to relocate farmers from overpopulated agricultural areas to underpopulated ones. In the long run, however, problems of structural unemployment in the areas of, for example, agriculture and mining, would have to be resolved within the context of Poland's participation in the European Union.

25. Ms. BORUTA (Poland) explained that the Polish informal sector consisted of what were known as the black zone and the grey zone. In the black zone, no taxes or social benefits were paid: employers tended to operate in that zone when they found that their social obligations constituted too great a burden. The globalization of the economy and the liberalization of trade had obliged employers to resort to the use of contract labour; that phenomenon, increasingly common throughout the world, was known as the grey zone. The International Labour Organization (ILO) had recently begun work on a draft convention concerning contract labour; Poland was actively participating in the formulation of that instrument, which proposed to provide alternatives to contract labour by minimizing the cost of work in other ways.

26. The unemployment rate for persons between the ages of 55 and 65, at 2.3 or 2.4 per cent, was relatively low. Such persons tended to be affected, however, by the phenomenon of mass dismissals, which resulted from the restructuring of certain industries. The Government, aware of the difficulties experienced by persons of that age in procuring work, had proposed the establishment of various special measures, among them the provision of early retirement benefits.

27. Mr. DRZEWICKI (Poland) said that Poland had found in recent years that some occupations and jobs were no longer necessary, while there was a great need for skilled employment in other areas of the labour market. The Government had therefore developed a broad-reaching vocational retraining programme. It had also taken steps to attract foreign investment to areas particularly affected by unemployment.

28. The CHAIRPERSON requested the delegation to respond to a question he had earlier raised: how had the decline in agricultural production affected income in rural areas?

29. Mr. ANTANOVICH noted that the Polish delegation had indicated that the unemployment rate in that country currently stood at 10.6 per cent, or a total of 1.8 million unemployed persons. An article he had read in the International Herald Tribune, which commended Poland for its economic policies, had cited 18 per cent unemployment. Paragraph 27 of the report of Poland stated that the number of unemployed persons in rural areas at the end of 1994 had been 1,154,000, representing 40.8 per cent of total unemployment. That appeared to indicate that the total number of unemployed that year had been at least 3 million persons. If current Government figures were

correct, that would mean that the number of unemployed persons had dropped by 1.2 million. Was that in fact the case? What was the explanation for the difference between the figures cited?

30. Most unemployed persons in Poland were manual workers: had the Government envisaged or enacted any vocational retraining measures to assist such persons in procuring meaningful employment?

31. Mr. JAKUBOWSKI said that his delegation did not have the necessary figures at hand concerning unemployment in the rural sector; it would forward written answers to the Committee at a later date.

32. To the best of his knowledge, the figure of 10.6 per cent unemployment had been generated in April 1998 by the Central Statistical Office. As of 1997, the Polish Government had begun to calculate the unemployment rate on the basis of formulas provided by ILO, which took into account hidden unemployment; that might explain the difference between the government figure and the rate quoted by the International Herald Tribune.

33. Mr. ADEKUOYE observed that the outcome of the Chinese agricultural reform had been greater efficiency, which had left many farmers without work. The Chinese Government had responded by creating new rural enterprises. It would be useful to know what measures, if any, Poland had envisaged for the creation of alternative rural employment.

34. Ms. BORUTA said that, in order to combat the unemployment caused by the restructuring of the agricultural sector, the Government had introduced a programme for the development of small and medium-size businesses. Furthermore, Poland was currently preparing to launch a vast reform, which would decentralize government and invest power in local authorities. In the view of the Government, local authorities should prove more effective than the central Government in assisting persons who had to abandon their farms because of insufficient revenues. Many former State-run collective farms had ceased to operate, causing a high rate of unemployment in small villages. The Minister of Labour and Social Policy had, in fact, recently visited those areas, for the purpose of identifying local remedies to the problem of rural unemployment.

35. Mr. JAKUBOWSKI said that the Ministry of Agriculture had been conducting a broad campaign to tackle the problem of unemployment in rural areas. Its programmes included a reform of farming education, offering new curricula, with more emphasis on business, marketing and management skills, designed to help future farmers run their farms more efficiently, or to find alternative employment in rural areas. In 1996, the Ministry of Agriculture had offered vocational training in half of all farming schools. The Government had disbursed over 2,000 interest-free loans to promote small businesses and non-agricultural jobs in the rural sector, totalling 24.3 million dollars, which had stimulated the creation of over 7,000 new jobs. Commercial banks, working in cooperation with the relevant government agency, had disbursed an additional 21 million dollars in loans, creating over 2,000 new jobs.

36. The Government was also providing loans for the purpose of assisting individuals to start economically viable new farms or to modernize existing

farms; 300 million dollars had been spent for that purpose in 1996. Finally, the Government had also initiated a pilot rural resettlement programme, whose goal was to encourage young farmers to resettle in underpopulated rural areas, and plans were currently under way to expand it.

37. Ms. JIMENEZ BUTRAGUEÑO requested the Polish delegation to provide supplementary written information concerning the programmes described. That information might prove useful to other countries seeking to undertake similar reforms.

Article 7

38. Mr. ANTANOVICH observed that Poland was a party to virtually all ILO Conventions and other important international instruments concerned with social and safety issues in the workplace. Several questions arose in that respect. Although paragraph 51 of the report stated that the minimum wage was fixed at a uniform rate for all workers irrespective of their place of employment or sex, the following paragraph stated that workers who had not reached the level of the minimum wage received compensatory payment. That meant that not all Polish workers benefited from a minimum wage, since compensation could not be considered a wage. It would be useful to know how the minimum wage operated, and under what conditions individuals were eligible to receive it. How many persons received the minimum wage, and how many received compensation?

39. The report also stated that the minimum wage was closely linked to the standard of living. That meant that if the cost of living rose, the minimum wage rose. Did it also mean that a drop in the cost of living resulted in a decrease in the minimum wage? The Government should explain how, and to what extent, economic growth influenced the minimum wage. What new skills and professions had resulted from changes in the world economy?

40. It would be useful to know whether the State Sanitary Inspectorate was responsible for supervising occupational safety in both the public and the private spheres, and how their comparative safety rated. The report stated that individual agriculture was covered by a separate insurance system. What was the scope of that system? Did it cover all individuals working in rural areas, and what were its terms?

41. Finally, he was under the impression that despite legal guarantees, Polish women were not, in fact, offered the same employment opportunities as men; what measures, if any, had the Government taken to rectify that problem?

42. Ms. JIMENEZ BUTRAGUEÑO said that sources indicated that employment advertisements which discriminated on the basis of sex were not prohibited, and that employers could require prospective women employees to undergo medical examinations which included pregnancy tests. Were those reports true?

43. The CHAIRPERSON, speaking in his personal capacity, observed that table 5, which appeared on page 19 of the report, and which set out minimum and average wages in terms of nominal and real values, established a comparison between the years 1983 and 1994. Those two years could not be considered comparable, however, since the first had fallen under the communist

regime and the second had occurred under a liberalized economy. The Government should provide a price index for the years since 1991.

44. In its written reply to question No. 20 of the list of issues (E/C.12/Q/POL/1), Poland had provided a table on the incidence of occupational accidents and diseases. In 1996, there had been 10.28 accidents per 10,000 workers, or a rate of more than 1 per cent, which was significantly high. What measures was the Government taking to reduce that rate? Did the Government ensure that persons debilitated by occupational accidents and diseases were provided with adequate compensation and care for the remainder of their lives? It would be useful to know how much compensation was paid to the families of workers who lost their lives.

45. Mr. PILLAY said that, in its written reply to question No. 19 of the list of issues, the Government had indicated that the responsibility for occupational safety lay with employers. He was interested to learn that employees had the right to abstain from work, if such work posed a direct danger to their lives and health or to those of others. Some sources, however, asserted that the State Labour Inspectorate was unable properly to monitor occupational safety in the public and private sectors because it lacked a sufficient number of labour inspectors. Did the Polish delegation agree with that assessment?

46. Mr. CEAUSU asked whether Polish or foreign workers in unofficial employment received any protection from the authorities if they suffered an accident at work.

47. The CHAIRPERSON, referring to question 20 of the list of issues, asked what protection workers or their families received if they contracted a chronic occupational disease. He understood that the rate of such diseases was rather high in some parts of the country.

48. Ms. BORUTA (Poland) said that under the Employment Act of 1994 workers in unofficial (or "illegal") employment, i.e. those who paid no contributions to the social security system, were not entitled to benefits. However, under a more recent regulation, which had been introduced specially with a view to protecting the rights of children in employment, a worker who could prove the existence of de facto employment relations did enjoy certain social security rights.

49. Replying to the question concerning gender information in advertisements of vacant situations, she said that the inclusion of such information was expressly prohibited under the Labour Code. Employers were also prohibited from requiring female applicants to undergo a pregnancy test. It was the Government's intention to reformulate those laws in more clear-cut terms so as to bring them into line with the corresponding legislation in certain countries of northern Europe.

50. Mr. JAKUBOWSKI, referring to questions relating to the unofficial labour market, said that the rather heavy burden of social charges on employers encouraged the existence of a so-called grey zone in which workers were officially employed for a ridiculously small salary, and were being paid their real wage, as it were, under the table. The situation would undoubtedly

improve when the Government introduced its planned reforms in connection with retirement pensions, unemployment benefits, etc., to which more detailed reference would be made in connection with other articles. It was difficult for State inspectors to detect cases of that kind because both the employer and the worker had an interest in not revealing them. Once detected, however, the employer was appropriately penalized.

51. Replying to the question raised by Mr. Antanovich concerning discrepancies between figures appearing in the report and answers given orally to the Committee, he said that the higher figure was not necessarily the correct one. The apparent discrepancies were due to the fact that the Government had replaced its former method of calculating unemployment, which had consisted in simply deducting the number of officially employed persons from the total working age population, by the more sophisticated formula employed by the ILO.

52. The minimum wage was adjusted to the price index every quarter and, with inflation steadily declining, its real value had risen from 21 per cent of the average wage in 1990 to 40 per cent in 1997. The number of persons receiving the minimum wage in 1997 was 275,000 or 3.6 per cent of the total workforce, the actual amount in the second half of 1997 corresponding to US$ 130 per month. The reference in paragraph 52 of the report to workers receiving compensatary payments because their wages fell below the minimum wage was no longer applicable.

53. Turning to the question of occupational accidents and diseases, he said that a new ordinance of the Ministry of Labour, more specific than the regulations contained in the Labour Code, had been introduced in April 1998. The results could not yet be assessed, but would certainly be reflected in the next periodic report. As for disability benefits, they were calculated as a percentage of full working capacity and diminished as the worker's condition improved. In the event of permanent or complete disablement, a fixed monthly benefit was paid to the worker, or, after death, to his or her family. Certain categories of workers exposed to particularly hazardous conditions, such as miners, were able to retire at age 45 or even 42, because every year of employment counted as the equivalent of 1.5 normal years.

54. Mr. SADI remarked that the very high rate of compensation which employers in the United States were required to pay to victims of work accidents had led to a considerable improvement in conditions of occupational safety in that country. Was the Polish Government considering taking similar steps?

55. Ms. BORUTA (Poland) said that Poland's laws on occupational safety required very little adjustment in order to be brought into line with the relevant European Union legislation. Prior to 1989, the compensation system had been based exclusively on the Labour Code and the level of compensation actually paid had been very low. Since 1991, victims of occupational accidents could also seek compensation under the Civil Code, which was based on Roman law and took account of losses other than loss of wages incurred by the victim. It was true that the civil procedure was rather slow and cumbersome.

56. Mr. JAKUBOWSKI said that compensation for occupational accidents amounted to 250 zlotys per 1 per cent of loss of working capacity, the rate of exchange being 3.4 zlotys to the dollar. The maximum compensation payable was 20,000 zlotys. Disability pensions generally did not exceed 64 per cent of average salary, which at present stood at 1,100 zlotys per month. In addition, as Ms. Boruta had indicated, victims of work accidents could take the employer to court on grounds of negligence. If they succeeded in proving their case, the employer was obliged to pay additional monthly compensation.

57. Ms. JIMENEZ BUTRAGUEÑO, referring to the right to strike, asked whether the prohibition on strikes in so many categories of employment was not inconsistent with some of the conventions listed in paragraphs 125 and 126 of the report, to which Poland was a party. Was it not possible to safeguard the right to strike in such areas as transport, health, education or the Post Office by allowing the provision of minimum services? Did striking workers in categories where the right to strike did exist maintain their right to social security benefits? The number of strikes in Poland appeared to have declined significantly between 1990 and 1996; an explanation of the reasons for that development would be appreciated, as also would information concerning the distribution of assets between the All-Poland Trade Union Alliance and "Solidarnosc".

58. Mr. CEAUSU, noting that article 53 (3) of the 1997 Constitution provided that trade unions had the right to organize strikes within certain limits, asked what happened in the event of a spontaneous or "wildcat" strike.

59. The CHAIRPERSON, referring to table 13 on page 39 of the report, asked whether trade union membership was declining in Poland as in many other countries, and what the trend was in Solidarnosc in particular. Did workers in the free trade zones have the right to form unions and to strike?

60. Mr. JAKUBOWSKI (Poland) said that as a general rule strikers were not entitled to be paid but were entitled to all other benefits.

61. The law on industrial disputes specifically denied people involved in State security, such as the secret police, the regular police, the armed forces, prison guards, border patrols and firefighters the right to strike, but other workers could strike on their behalf.

62. Teachers, transport workers and other workers had the right to strike provided that the requirements of certain ILO conventions regarding the maintenance of essential services were respected. So far there was no specific regulation to cover those provisions in Polish law.

63. Ms. BORUTA (Poland) said that under Polish law trades unions were alone entitled to call strikes, which meant that a strike by workers who had no trade union would be illegal. A recently drafted labour relations code, which would allow workers to be represented by other bodies, as was the case in some western European countries, had so far not found favour with the unions.

64. Mr. WADJA (Poland) said that according to data recently collected in preparation for a trades union congress, trade union membership stood at some 3 million, the numbers having fallen over the past three and a half years

by about one and a half million. There were no particular problems related to the exercise of trade union rights, apart from a recent question regarding the right to consultation and negotiation.

65. Mr. DRZEWICKI (Poland) said that he took it that the free trade zones referred to were companies that benefitted from special tax reductions for investment in or revitalization of the local economy. The Labour Code and other codes still applied.

66. The declining trend in trade union membership was probably due to a certain belief among workers that unions were no longer necessary for the defense of their interests. An increase in membership had been noted, however, in certain branches of the economy which had been through bad experiences with private employers. Two cases regarding freedom of association had recently attracted particular attention. In respect of one taken by Solidarnosc to the ILO Committee on Freedom of Association, the ILO Governing body had decided that the appropriation of trade union assets during martial law had constituted a violation of rights. That decision was currently in process of implementation. The other case had concerned a limitation in legislation passed in 1995 on the freedom of senior officials in the supreme chamber of State audit to establish a trade union. The law had been challenged in the Constitutional Court, which, referring to ILO Convention 151, had declared the provision of the law in question to be unconstitutional. It had since been repealed.

67. Ms. BORUTA (Poland) added that, despite legislation passed in 1991, the Polish Government had failed to consult the unions on a number of occasions. The Ministry of Labour, on behalf of the Government, had recently acknowledged that the latter had a duty to consult and it was to be hoped that the problems would not recur.

68. Ms. JIMENEZ BUTRAGUEÑO said that judging by its report, Poland's social security system seemed quite complete, and she saw no reason why it should not ratify other ILO Conventions.

69. Referring to question 25 of the list of issues, she wondered whether any sectors other than the black economy and those mentioned in the answers were not covered by social security.

70. Was the new law due to come into force in 1999 likely to improve social security benefits, or would it reduce them, as was happening in many other countries where the increasing social security burden due to the population's longer lifespan made it difficult if not impossible to cover costs. What was the average old age pension and widow's pension? Was there a widower's pension?

71. With regard to paragraph 199 of the report, would any farmers or agricultural workers be entitled to a disability pension?

72. As most countries were currently trying to prevent discrimination against women, why was there still a difference in the retirement age for men and for women in Poland?

73. Was the Government, like most market economies, planning to introduce private insurance into the social security system to offset State shortfalls? Could people receive two forms of benefit, for example, a widow's pension and a retirement pension, and if so, was there a limit on the amount of combined benefit payable? Was any kind of benefit payable to people of retirement age who had not contributed, or who were not entitled to social security generally?

74. Mr. KOUZNETSOV, referring to question 25, asked why Poland had not ratified ILO Conventions 102 and 115 but had ratified the European Social Charter, which set higher standards.

75. Mr. CEVILLE, referring to paragraph 155 of the report, asked why only certain professional groups were eligible for remuneration for up to one year in cases of sickness, and how the distinction had come about.

76. Mr. ADEKUOYE asked whether there was any link between the State scheme and any private social insurance schemes?

77. Mr. WIMER asked whether there were any special rules governing foreign workers, or whether they had the same rights as Polish workers, including trade union membership.

78. Mr. CEAUSU, referring to subparagraph 286 (v), asked how many family centres and houses there were and how many people used them.

79. The CHAIRPERSON asked whether the 5 per cent of the labour force said to have two jobs had to pay social security contributions in respect of each of them and, if so, how their pensions were calculated.

80. Mr. DRZEWICKI (Poland), replying to Mr. Kouznetsov, said that article 12 of the European Charter required the establishment of a social security system at least equal to that required by ILO Convention 102, whence the Government's obligation to ratify that Convention. It was also considering ratifying the other Conventions mentioned in its answer to question 24.

81. Mr. JAKUBOWSKI (Poland) added that ILO Conventions on safety in the mining industry and on the rehabilitation and employment of disabled persons should also be ratified shortly.

82. Everyone was eligible for social insurance in Poland, except those who had not officially worked. Persons with a normal labour contract were eligible for all benefits. It was compulsory for the self-employed to contribute to the State system, except for people such as artists, actors, writers and so forth, for whom it was optional. A number of companies already offered private insurance to anyone with sufficient disposable income. The Government was in fact seeking to make private insurance one of the three pillars of the new pensions system and to create the necessary incentives for workers. As a general rule, pensions depended on the amount of contributions paid over a period of time. However, a person could not receive retirement benefits exceeding 200 per cent of the average wage, or exceeding 250 per cent after 60 years of work. The average working life in Poland was 36 years.

83. The special privileges granted to the groups mentioned in paragraph 155 of the report were the remnants of the old communist system, which had deemed it advantageous to give people such as academics, judges and public prosecutors special political support. The present Government was finding it very difficult to put an end to those privileges without alienating the people concerned.

84. Ms. BORUTA (Poland) said that it had been agreed in 1996, when the retirement age question had been discussed by the Government in connection with the reform of the system, that tradition should be allowed to prevail. One of the arguments against maintaining an age difference at the time had been that women would continue to be discriminated against by virtue of the difference in income. It had therefore been proposed that a flexible system should be introduced over a period of five years, under which people could choose their preferred retirement age. Unfortunately that proposal had not been adopted at the time, but was due to be discussed again in parliament, where it might have a better chance of success.

85. Under legislation passed in 1986, foreign workers could join the social security system if they were in legal employment. Poland also had bilateral arrangements with Belgium, Germany and the Netherlands, under which periods of employment in the other country counted for social security purposes, and it was holding discussions with Austria and Spain regarding the possibility of coordination with their systems.

The meeting rose at 6.03 p.m.